

**BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL**

In the Matter of:)	CASE NO. 15-001
Application No. 2013-01)	
)	
TESORO SAVAGE, LLC)	CITY OF WASHOUGAL'S REPLY TO
)	APPLICANT'S CONSOLIDATED RESPONSE
)	TO PETITIONS FOR INTERVENTION
VANCOUVER ENERGY)	
DISTRIBUTION TERMINAL)	
_____)	

COMES NOW, the City of Washougal, Washington, a municipal corporation, by and through its undersigned counsel, and replies to the Applicant's Consolidated Response to Petitions for Intervention as it relates to the City of Washougal's Petition to Intervene.

I. INTRODUCTION

The City of Washougal (hereinafter "City") is part of a continuous urban area that connects directly with the Cities of Camas and Vancouver along the Columbia River. The Applicant's Project will be built in Vancouver, but oil trains destined for the Port of Vancouver will travel over rail lines in and through the City of Washougal, and the rail impacts are, if anything, a bigger impact on Washougal than they are on Vancouver.

As stated in its Petition, the City has serious safety and traffic concerns that relate to increases in train traffic and volatile crude oil cargo that will adversely impact the City if this Project were approved. The City seeks intervention, not to delay the proceedings, nor make the proceeding inefficient or ineffective, but to insure its interests are heard and steps are taken to mitigate this Project's adverse impact on the City. This response does not constitute a waiver of any claim, defense, or legal position available to the City. The City reserves its right to raise all factual, legal, and procedural arguments during the adjudication.

II. ARGUMENT

A. Although not opposing the City's intervention in these proceedings, Applicant urges the Council to impose conditions and limitations to Washougal's participation in the interests of achieving a fair and efficient hearing. A fair hearing can only be had if the City is allowed to participate in those areas in which the City has an interest, direct or indirect. The City's interest

extends to those areas where the City and its citizens will be impacted by this Project, whether direct or indirect. An efficient hearing does not mean limiting evidence and argument from a participant that is unique to that participant and/or not being fully addressed by other participants.


B. This Project will directly and indirectly adversely impact the City beyond general environmental concerns. The City's Petition is specific in describing each area in which it has an interest, which interests it believes has not been nor will be adequately addressed by other participants. The City has also provided in its Petition more than enough detailed information for the Council to allow intervention in these proceedings, and to frame issues for adjudication.

C. The Applicant requests the Council to limit the level of the City's participation through consolidation or by other means. The issues outlined in the City's Petition are specific to Washougal and cannot be fairly and adequately adjudicated by consolidation with other Petitioners, nor through other agency reviews.

III. CONCLUSION

The City should be allowed to intervene in these proceedings, and to participate fully concerning any and all issues that directly and indirectly relate to and have an adverse effect upon the City of Washougal, including all issues raised in the City's Petition for Intervention.

Respectfully submitted this 11th day of March, 2015.



SCOTTE. RUSSON, WSBA # 30078
Assistant City Attorney,
City of Washougal

City of Washougal

Donald L. English, City Attorney
Scott E. Russon, Assistant City Attorney

12204 S.E. Mill Plain Blvd., Suite 200
Vancouver, WA 98684
(360) 449-6100

Email: english@elmbstv.com
Email: russon@elmbstv.com

PROOF OF SERVICE

I, Wendy Auburg, hereby certify that on March 11, 2015, I served by email a copy of this document on all parties, or their counsel of record on the date below as follows:

Energy Facility Site Evaluation Council

Cassandra Noble
Administrative Law Judge
1300 S. Evergreen Park Drive SW
Olympia, Washington 98504-3172
E: efsec@utc.wa.gov
T: (360) 664-1345

Tesoro Savage Petroleum Terminal, LLC

Kelly J. Flint
Tersoro Savage Petroleum Terminal, LLC
110 Columbia Boulevard, Suite 108 & 110
Vancouver, Washington 98660
E: kellyf@savageservices.com
T: (801) 944-6600

Counsel for the Environment

Matt Kernutt, AAG
Office of the Attorney General
1125 Washington Street SE
P.O. Box 40100
Olympia, Washington 98504-0100
E: Matk1@atg.wa.gov
T: (360) 586-0740

Department of Natural Resources

Terence A. Pruit
Assistant Attorney General
Natural Resources Division
1125 Washington Street SE
P.O. Box 40100
Olympia, Washington 98504
E: terryp@atg.wa.gov
E: resolyef@atg.wa.gov
T: (360) 902-1000

Department of Commerce

Brian Bolender, Director
Department of Commerce
1011 Plum Street SE
Olympia, Washington 98504-2525
E: brian.bolender@commerce.wa.gov
T: (360) 725-4021

Department of Ecology

Maia D. Bellon, Director
Department of Ecology
300 Desmond Drive
Olympia, Washington 98504-7600
E: maia.bellon@ecy.wa.gov
T: (360) 407-7001

Department of Fish & Wildlife
Phil Anderson, Director
Department of Fish and Wildlife
1191 Second Avenue, Suite 2200
Seattle, Washington 98101
E: Philip.anderson@dfw.wa.gov
T: (360) 902-2720

Department of Transportation
Lynn Peterson
Department of Transportation
310 Maple Park Avenue SE
P.O. Box 47300
Olympia, Washington 98504-7300
E: lynnp@wsdot.wa.gov

Tesoro Savage Petroleum Terminal, LLC
Jay P. Derr
Van Ness Feldman, LLP
719 Second Avenue, Suite 1150
Seattle, WA 98104
E: jpd@vnf.com
T: (206) 623-9372

City of Vancouver
Susan Drummond
Law Office of Susan Elizabeth Drummond
5400 Carillon Pt. Bldg. 500
Kirkland, Washington 98033-7357
E: susan@susandrummond.com
T: (206) 682-0767

Utilities & Transportation Commission
David Danner
Utilities and Transportation Commission
1300 E. Evergreen Park Drive SW
P.O. Box 47250
Olympia, Washington 98504
E: ddanner@utc.wa.gov
T: (360) 664-1208

Clark County
Taylor Hallvik
Deputy Prosecuting Attorney, Civil Division
Clark County Prosecutor's Office
P.O. Box 5000
Vancouver, Washington 98666-5000
E: taylor.hallvik@clark.wa.gov
T: (360) 397-2478

City of Vancouver
E. Bronson Potter
Vancouver City Attorney
P.O. Box 1995
Vancouver, Washington 98668-1995
E: Bronson.potter@cityofvancouver.us
T: (360) 487-8500

Columbia Waterfront, LLC
Linda R. Larson
Marten Law, PLLC
1191 Second Avenue, Suite 2200
Seattle, Washington 98101
E: llarson@martenlaw.com
T: (206) 292-2600

1 Conf. Tribes & Bands of Yakima Nation

2 Joe Sexton
3 Galanda Broadman PLLC
4 8606 - 35th Avenue NE, Suite L1
5 P.O. Box 15146
6 Seattle, Washington 98115
7 E: joe@galandabroadman.com
8 T: (206) 557-7509

7 Columbia Waterfront, LLC

8 Daniel Timmons
9 Marten Law, PLLC
10 1001 SW Fifth Avenue, Suite 1500
11 Portland, Oregon 97217
12 E: dtimmons@martenlaw.com
13 T: (503) 243-2200

16 Columbia Riverkeeper, Et. Al.

17 David Bricklin
18 Bryan Telegin
19 Bricklin & Newman, LLP
20 1001 Fourth Avenue, Suite 3303
21 Seattle, Washington 98154
22 E: bricklin@bnd-law.com
23 E: telegin@bnd-law.com
24 T: (206) 264-8600

25
26 ////

Columbia River Inter-Tribal Fish Comm.

Julie A. Carter
700 NE Multnomah Street, Suite 1200
Portland, Oregon 97213
E: carj@critfc.org
T: (503) 736-3592

Columbia Riverkeeper, Et. Al.

Kristen L. Boyles
Janette K. Brimmer
Matthew R. Baca
Earthjustice
705 Second Avenue, Suite 203
Seattle, Washington 98104
E: kboyles@earthjustice.org
E: jbrimmer@earthjustice.org
E: mbaca@earthjustice.org
T: (206) 343-7340

ILWU Local 4

Cager Clabaugh
Jared Smith
International Longshore Warehouse
Union Local 4
1205 Ingalls Road
Vancouver, Washington 98660
E: cagerclabaugh@aol.com
E: mithared@yahoo.com
T: (360) 903-7678 (Cager Clabaugh)
T: (360) 241-0314 (Jared Smith)

Port of Vancouver

David F. Bartz, Jr.

Alicia L. Lowe

Schwabe, Williamson & Wyatt, P.C.

1211 SW Fifth Avenue, Suite 1900

Portland, Oregon 97204-3795

E: dbartz@schwabe.com

E: alowe@schwabe.com

T: (360) 905-1427

Conf. Tribes of Umatilla Indian Reservation

Brent H. Hall

Office of Legal Counsel

Confederated Tribes of the Umatilla

Indian Reservation

46411 Timine Way

Pendleton, Oregon 97801

E: brenthall@ctuir.org

T: (541) 429-7407

City of Spokane

Assistant City Attorney Michael J. Piccolo

Office of the City Attorney

5th Floor City Hall

Spokane, Washington 99201-3326

E: mpiccolo@spokanecity.org

T: (509) 625-622

I, Wendy Auburg, hereby certify that on March 11, 2015, I served by mail the attached original document as follows:

Energy Facility Site Evaluation Council

Cassandra Noble

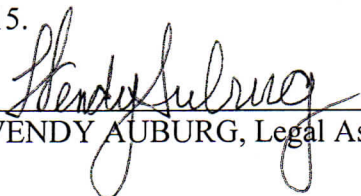
Administrative Law Judge

1300 S. Evergreen Park Drive, SW

Olympia, Washington 98504-3172

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true.

DATED this 11th day of March, 2015.


WENDY AUBURG, Legal Assistant